

The Probate Examiners can be reached at
ProbateNotes@courts.sbcounty.gov.

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened.

Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes.

PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4

Joshua Tree District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MC MS00134

CASE NAME: IN THE MATTER OF WILLIAM A CARPENTER

HEARING:

Hearing re: 2ND ACCOUNT & REPORT OF CONSERVATOR, PETN FOR FEES

COUNSEL:

WILLIAM ALBERT CARPENTER (CPE)...IGNAZIO FICARA
WILLIAM AUGUST CARPENTER (CPE)...GREGORY P JOHNSON
RUTH A MAYNARD (OBJ)...PAUL F. SMITH
DEBRA L OHLFS (PAUL F. SMITH)...PAUL F. S

GENERAL INFORMATION:

Continued from 7-10-06 & 8-14-06. Supplement filed.

THIS CASE IS SET FOR HEARING ON 2nd Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Period: 2-25-04 to 2-23-06
2. Conservator does not request compensation.
3. Attorney requesting fees of \$2813.25. Itemized. JTD
4. Conservator has been paying \$68 monthly storage fees for 2 years for goods valued at \$300. Please file supplement to explain. **Supplement explains that items are of great sentimental value and some were crafted by conservatee. Needs to use the \$90 per month from VA on conservatee, and conservator believes this is appropriate expense. JTD**
5. Please file supplement explaining the \$1200 charge to transport personal items to Antioch. Is there a relationship between Larry Carpenter and the conservator? What was transported? Need? **Supplement filed. Larry Carpenter is son of conservator. (This relationship should have been disclosed initially per PC 1064) Supplement explains that Larry Carpenter rented a vehicle to drive from Antioch California to 29 Palms in order to remove all remaining items from the former residence. The house was sold to conservatee's sister and niece. The belongings**

were then taken back to Antioch. JTD as to whether this is an appropriate expense.

6. Please file supplement explaining the purchase of a \$10,000 pre-need burial. **Supplement explains used funds from sale of house for purpose of Medi-Cal qualification and it was Medi-Cal approved plan. JTD**
7. Please file supplement explaining the cash taken in 04/04 for \$200 and the "miscellaneous administrative expenses" of \$200 on 6/13/04. **Supplement filed which states that all money was used for conservatee's care and well being, such as clothing, handkerchiefs, socks, shirts and other personal items. At time, conservatee wanted money to buy dinner fro a friend visiting from Oregon. JTD**
8. Amount of disbursement to Macy's for winter coat doesn't match bank statement (3 cents off).

RECOMMENDATION:

Once approved, set next accounting for 7-9-08. (1 year instead of 2 years to keep track of conservator, due to length of time it took to file accounting.)

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MG MS00304

CASE NAME: G'SHIP OF CHRISTIAN C. CALLOWAY

HEARING:
Petition for Termination of Guardianship

	COUNSEL:
RHONDA MOORE	(PET)...PRO/PER
JOHN C. MOORE	(MIN)...
JOHN CARL MOORE	(FAT)...PRO/PER

GENERAL INFORMATION:
Continued from 8-14-06. Referred to FCS for mediation.

THIS CASE IS SET FOR HEARING ON Petition for Termination of Guardianship, by
father, minor almost 4 years

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Guardianship letters issued to paternal grandmother in February 2003. At that time, father was in Kosovo.
2. Father has now returned from military service overseas and is able to take care of his child.
3. Father alleges that guardian is going through a divorce and is unemployed. Alleges that she has used drugs.
4. Father lives in Texas.
5. There were no allegations in the original petition regarding unfitness of father, just his being gone due to military service. Allegations regarding the mother's drug use and lack of interest in the child.

RECOMMENDATION:
None

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MG MS00429

CASE NAME: G'SHIP OF EVELYNE REANNA JEAN MURRAY

HEARING:

Hearing Re: PETITION FOR TERMINATION OF GUARDIANSHIP.

COUNSEL:

MELVIN SAM EDGE (PET)...PRO/PER
MELISA DARTEL EDGE (PET)...PRO/PER
EVELYNE REANNA JEAN MURRAY (MIN)...
ANNA FRANCES MURRAY (MOT)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Terminate

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Guardianship started in January 2006 by friends. Mother consented. Mother reported to have substance abuse issues.
2. Termination petition filed by guardians and mother as minor wishes to go home to live with mother. Minor is 15 years.
3. Court denied petition when it was brought on ex parte basis. Court referred to CI for report.

RECOMMENDATION:

Waiting for CI report (presumably on mother's home situation to find out if her living conditions are stable enough for minor to return.)

CASE #: MG MS00429

CASE NAME: G'SHIP OF EVELYNE REANNA JEAN MURRAY

HEARING:

Hearing re: PETITION FOR TERMINATION OF GUARDIANSHIP

COUNSEL:

MELVIN SAM EDGE (PET)...PRO/PER

MELISA DARTEL EDGE (PET)...PRO/PER

EVELYNE REANNA JEAN MURRAY (MIN)...

ANNA FRANCES MURRAY (MOT)...PRO/PER

See prior note.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MG MS00445

CASE NAME: G'SHIP OF TAYLOR & ROBERT MURPHY

HEARING:
Hearing Re: APPOINTMENT OF GUARDIAN.

COUNSEL:

CAROLYN MURPHY	(PET)...	J ALAN PLOTT
ROBERT MURPHY	(PET)...	J ALAN PLOTT
TAYLOR MURPHY	(MIN)...	
ROBERT MURPHY	(MIN)...	
AIKI CAVANAUGH	(CLM)...	

GENERAL INFORMATION:

Continued from 71-7-06. Mother and father present. (represented by attorneys)
Court waiting for outcome of family law case, and clearing notes.
Continued from 8-21-06, at request of Attorney Plott. Matter continued for results from
Family Law Matter and filing of response by father. **No response filed by father yet.**
THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by
paternal grandparents, minors 3 & 4

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary letters denied on 6-12-06. On court's own motion, Aiki Cavanaugh is added as a party to the case. Court ordered Aiki Cavanaugh to vacate Erika Murphy's residence within 24 hours of service of minute order, and that Aiki Cavanaugh is not to return to Erika Murphy's residence nor is he to have any contact with the minor children. Mother may pick up children within 24 hours of proof of service being fled with the court on Aiki Cavanaugh of the minute order.
2. Proof of service on Aiki Cavanaugh filed with the court. (Typo in Proof states minute order is dated 4/12/06)
3. Court referred to FCS for mediation. Not in file, but CI report refers to it.

4. Court ordered home assessment for Erika Murphy and Carolyn Murphy. Filed for both homes.
5. Court appoints CI. Report in file.
6. **Petitioners need to sign Page 1 of the Guardianship Questionnaire.**
7. In divorce case, father lost custody. Mother received primary custody. Appears to be still pending. Should the family court take jurisdiction of this case?
8. Mother still has children.
9. Father has signed waiver and consent.
10. Parties have filed substantial declarations regarding issues.
11. **Need to file proof of mailed service on maternal grandfather.**
12. Standard: mother's care is detrimental to the children.

RECOMMENDATION:

None. If court approves guardianship, need to clear notes 6 & 11.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MG MS00446

CASE NAME: G'SHIP OF MORGAN-JAYNE ELIZABETH HUEBNER

HEARING:
Petition for Appointment of Guardian

COUNSEL:

RAE-LYNNE M GODFREY (PET)...J ALAN PLOTT
TERRY D GODFREY (PET)...J ALAN PLOTT
MORGAN-JAYNE ELIZABETH HUEBNER(MIN)...
COURT INVEST IGATOR-GUARD IANS(AGN)...
RAYMOND HUEBNER (OBJ)...RONALD KALFUSS

GENERAL INFORMATION:

Continued from 7-10-06. Father appeared through his attorney.
Continued from 8-14-06. Waiting for CI report. Parties to mutually agree to visitation between father and child.

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by maternal grandparents, minor 1 year

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary letters issued 6-12-06. Court appointed CI. It doesn't appear that order was signed or letters issued.
2. On 6-15-06, petitioners moved ex parte to get visitation schedule with their granddaughter. The mother had just died. The father came back from Ohio, with his mother. Father wants to take his child back to Ohio to live with him. Petitioners wanted to get visitation schedule.
3. Court ordered mediation (by phone for those out of state).
4. Do petitioners wish to proceed with guardianship in face of father's willingness to take care of his child?

5. Declarations filed by petitioner regarding their fitness and the detriment if father has child.
6. Standard for granting a guardianship over the objection of a parent: remaining with parent is detrimental to child and granting to non-parent is in best interest of a child. Best interest standard alone is not sufficient. Burden of proof is on the non-parent to provide clear and convincing evidence that parental custody would be detrimental to the child. See Family Code Section 3401 for possible scenarios for "detriment". See also *In re Volkland* (1977) 74 Cal.App.3d 674, 678.
7. Waiting for CI report on father. (out of state agency)

RECOMMENDATION:

None

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS00902

CASE NAME: ESTATE OF LARRY K. LAYMON

HEARING:
OSC re: Sanctions

	COUNSEL:
LINDA G. WAUGH	(PET)...PRO/PER
LARRY K. LAYMON	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON OSC re: Sanctions

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This hearing was set on 7-10-06 due to failure to file accounting. Citation was issued. Proof of personal service in file as to Linda Waugh.
2. Court suspended the powers on 7-10-06.
3. Subsequently, Linda Waugh filed her final report and waivers of account. Court needs to determine whether to accept them, as they were filed at a time when powers were suspended.
4. Notes re: Accounting:
 - a. all heirs waive accounting
 - b. sole asset of estate is proceeds from asbestos litigation. all heirs have signed agreement to pay attorneys in litigation 40% of the profits. CRC 7.703 provides that contingency fee agreements should be approved by the court in advance.
 - c. Requesting statutory commission of \$5142.11. OK
 - d. Requesting extraordinary commission for handling case as special administrator and as administrator, dealing with the litigation. Court should note that administrator has been cited in to court for non-compliance with court orders, caused the estate a charge of \$1300 for

a citation relating to removal of a trailer, and has not had other property to marshal in this estate. JTD.

- e. There has been an assignment of one heir's interest. Also, the bankruptcy court has ordered that the share of Larry Jay Laymon be paid to them. Distribution accounts for these items. OK

RECOMMENDATION:

Court to determine whether accounting proper under suspension and whether administrator should pay any sanction for cost of citation. If ruling upon the accounting, need to determine whether to pay the extraordinary commission.

Once approved, set hearing for filing of receipts and final discharge for 9-10-07

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS00994

CASE NAME: ESTATE OF ELEANOR NELSON

HEARING:
OSC re: Filing of Receipts & Final Discharge

COUNSEL:
MURL WENDELL NELSON JR. (PET)...SMITH & SMITH LLP.
ELEANOR NELSON (DEC)...SMITH & SMITH LLP.

GENERAL INFORMATION:
Continued from 3-12-06 and 6-12-06

THIS CASE IS SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 6-7-06, petitioner requested extension to this date of 9-11-06.
2. Still nothing filed.

RECOMMENDATION:
Find out status.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01296

CASE NAME: ESTATE OF TIMOTHY HAYES

HEARING:
Hearing Re: ACCOUNTING REVIEW.

COUNSEL:
BETTY KERR (PET)...LAW OFFICES OF PHILIP FLICKIN
TIMOTHY HAYES (DEC)...

GENERAL INFORMATION:

Continued from 6-26-06 for supplement. Supplemental declaration filed on 6-22-06. It appears that Court may have been looking for additional supplement.
Continued from 7-24-06.

THIS CASE IS SET FOR HEARING ON First Amended Final Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Bank statements do not match the accounting, and Court could presume that those items omitted were used by executor for personal reasons. Executor did write many checks for personal expenses. Amended accounting indicates that this was a mistake because estate account checks were in her name.
2. Items in question:
 - a. withdrawal of \$1419.08 on 1-3-05
 - b. Chevron \$500 on 8-30-05
 - c. Check \$89.85 on 9-22-05
 - d. withdrawal \$81 on 12-6-05
 - e. withdrawal \$55 on 12-6-05
3. Need explanation of deposit made on 11-21-05 for \$6226.54.
4. Disbursement shows Check 94 was for \$53.67 but bank shows that check was for \$59.62. Need explanation.

5. Bank account was opened on 12/9/04. Letters were not issued until January 2005. Executor had no authority to act at that time.
6. Garage sale held before executor had power.
7. Sold vehicles at garage sale for stated values. Did not do Notice of Proposed Action to sell.
8. Accounting indicates that executor had consents for sale. However, letter filed by beneficiary Gerald Heyes disputes this statement. He states that no permission was ever asked to sell the times and that the sales were to her relatives for a loss.
9. Re: real estate, the Court file has an Objection to the Proposed Sale. Executor states didn't have that information when sale took place. Executor could be surcharged for a loss in the sale. Did executor sell the property to a relative? Was it sold at fair market value? The date of death appraisal was for \$120,000, which was the sales price. The "settlement date" for the sale was 2-16-05, which is presumably when escrow closed.
10. Settlement statement shows refund of property tax of \$320.38. What happened to it?
11. After yard sale, it is reported that cash of \$600 was given to Gerald and \$300 to Andrea (beneficiaries). There is no need to deduct those sums from remaining balance.
12. Executor would like to reduce Gerald's portion by amount of judgment of \$1441.10 for damages to real property owned by the executrix. OK
13. Corrected I & A is wrong in that it should reflect the assets owned at time of death. Executor is using the cash received at the post-death sale in lieu of the personal property. However, the total amount of the estate is not affected by the use of incorrect form.
14. No objections filed to I & A by beneficiaries.
15. Receipts are not properly stated. The amount of money received on sale of real property is not a "receipt".
16. Attorney requesting statutory fee of \$4805.25. OK
17. Executor requesting statutory commission of \$4805.25. Requests that any amount she still owes because of monies she used. Will need a final figure based upon the unreported amounts, explanation of the deposit, etc. File supplement.
18. **Supplement filed on 6-22-06 to explain the transactions. If the beneficiaries object to how the funds were used, then they should file a written objection. The beneficiaries will need to prove loss to the estate due to the irregularities or that the accounting does not accurately reflect what happened.**
19. **No further supplement filed yet.**
20. **Notice of hearing sent to the beneficiaries which included notice to beneficiaries of need to object. No objections filed yet.**

RECOMMENDATION:

None.

If approved, set hearing for filing of receipts and final discharge for 9-10-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01302

CASE NAME: ESTATE OF REYNALDO C. GARCIA

HEARING:
Accounting Review

COUNSEL:
IRMA BARTON (PET)...DANIEL C. SEVER
CECILIA G RODRIGUEZ (PET)...DANIEL C. SEVER
REYNALDO C GARCIA (DEC)...

GENERAL INFORMATION:

Continued from 3-27-06. No appearance. Clerk contacted Attorney Sever, who reported that case had been mis-calendared.

Continued from 4-17-06.

Continued from 6-5-06 at request of petitioner.

Continued from 7-24-06 at request of petitioner. **No further documents filed.**

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Still nothing filed.
2. If the estate is not ready for an accounting, a status report may be filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in PC 11050, et seq.

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01314

CASE NAME: ESTATE OF LORETTA ANN EVANS

HEARING:

Hearing Re: OBJECTION AND RESPON TO OBJECTION.

COUNSEL:

CRAIG MERRIAM (PET)...IGNAZIO

LORETTA ANN EVANS (DEC)...

GENERAL INFORMATION:

Continued from 5-22-06. Continued from 6-19-06. Response filed to objection, and objector did not have time yet to review it.

Continued from 7-10-06. Petitioner to provide an inventory of items to other parties.

Nothing new filed.

Continued from 8-14-06. Court just approved new sale of property for \$230,000.

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Status report indicates that estate not ready to close as the sale of the real property (975 Saddleback Road) has not been accomplished. **Just finished.**
2. Court should note that an Order Confirming the Sale of that property was executed on 12-19-05. **New buyer just bought the property.**
3. Objection filed by Gretchen Womack and Bruce Merriam (children of deceased) as to report. Contends that administrator has failed to account for valuable personal property, has incurred unnecessary storage charges, failed to maintain the real property, failed to make the monthly mortgage payment one time, and has failed to report the money due to the objectors.
4. Response filed by Craig Merriam regarding agreement to dispose of personal property. Contends that it is the objectors who have not assisted and caused delays. Pays mortgage with his own money, since no funds in estate.

RECOMMENDATION:

Judge to determine if interim accounting necessary (if objectors still contend that there are items in dispute). Court may wish to inquire when final accounting will be filed.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01342

CASE NAME: ESTATE OF BEVERLY M. RUMSEY

HEARING:
OSC re: Filing of Receipts and Final Discharge

COUNSEL:
MARY LOU REMUS (PET)...EDGAR C JOHNSON
BEVERLY M. RUMSEY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipts filed.
2. Need proposed final discharge order.

RECOMMENDATION:

Find out status. Counsel is referred to the Judicial Council website to obtain the new final discharge order.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01360

CASE NAME: ESTATE OF ANN LORENE ADAMS

HEARING:

Hearing re: REPORT OF STATUS OF ADMINISTRATION

COUNSEL:

MARY E LEAZER (PET)...IGNAZIO
ANN LORENE ADAMS (DEC)...

GENERAL INFORMATION:

Continued from 6-5-06

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate could not close due to need to sell real property.
2. Notice of Proposed Action filed on 8-25-06 indicating that real property will be sold shortly.

RECOMMENDATION:

Find out status

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01389

CASE NAME: ESTATE OF ELWANDA WROSKI

HEARING:
Accounting Review

COUNSEL:
ELWANDA A GAAB (PET)...PRO/PER
ELWANDA WROSKI (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Final Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Heirs waive account
2. Administrator waives statutory commission.
3. Two primary heirs have reached an agreement regarding distribution, with one heir buying the other out.
4. Will left truck to minor (Joshua Morris). Administrator/mother is seeking an order distributing the truck to her as custodian. OK under UTMA, PC 3900 et seq.
5. This petition for probate was filed after the change in fees, and so California Rules of Court, Rule 7.552 requires that a separate schedule be filed regarding the fee. Mandatory document, even if the correct fee was paid.

RECOMMENDATION:

RFA subject to 5. Once approved, set hearing for filing of receipts and final discharge for 9-10-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01476

CASE NAME: ESTATE OF KAY ELIZABETH TROUTMAN

HEARING:

Hearing re: 1ST & FNL ACCOUNT & REPORT OF STATUS OF ADMINISTRN

COUNSEL:

CHRISTINE TINA TROUTMAN (PET)...DANIEL J DOONAN
KAY ELIZABETH TROUTMAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Final Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive accounting, (three children of decedent)
2. This petition for probate was filed after the change in fees, and so California Rules of Court, Rule 7.552 requires that a separate schedule be filed regarding the fee. Mandatory document, even if the correct fee was paid.
3. Two of the heirs waive any right to the estate. That would mean that they decline the estate. The result is that their share does not go to their sister, Christine, but to their own intestate heirs. If the heirs intended an assignment to Christine, then that would need to be filed. Otherwise, need to identify each person's intestate heirs, provide notice to them and change order for distribution.
4. Attorney requesting statutory fee of \$1880. OK

RECOMMENDATION:

Need to clear notes 2 & 3.

CIVCAL4

Joshua Tree District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01496
CASE NAME: ESTATE OF WANDA L BENAVIDEZ

HEARING:

Hearing re: WAIVER OF ACCOUNT PETN FOR FEES & FINAL DISTRIBUTI

COUNSEL:

JULIO BENAVIDEZ II (PET)...D M DAVIS
WANDA L BENAVIDEZ (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Final Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Issue regarding who inherits. The supplement to the Petition for Probate indicated that there was a stepchild who would have been adopted but for the death of the decedent. If that is true, then that stepchild would also be legal heir. As noted in the probate notes at the time of the petition, it did not appear that there was an adoption case, but a paternity case. However, there has been nothing filed with this Court to clear up this issue. File verified supplement.
2. If the stepchild is an heir, will need to get a waiver or do full accounting.
3. This petition for probate was filed after the change in fees, and so California Rules of Court, Rule 7.552 requires that a separate schedule be filed regarding the fee. Mandatory document, even if the correct fee was paid.
4. Need to allege that notice was given to Department of Health Services. It is insufficient to state simply that no claim was filed.
5. Administrator waives commission.
6. Attorney requests fees of \$5500. OK

RECOMMENDATION:

Need to clear notes 1-4. Once approved, set hearing for filing of receipts and final discharge for 9-10-07. Court may wish to vacate upcoming review dates of 9-18-06 and 5-14-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01517

CASE NAME: ESTATE OF CATHERINE IONA CHELETTE

HEARING:
OSC re: FILING OF INVENTORY AND APPRAISAL

COUNSEL:
IONA MELISSA CHELETTE (PET)...GEORGE L. MARTIN
CATHERINE IONA CHELETTE (DEC)...

Off-calendar. I & A with bank statements has been filed.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01547

CASE NAME: ESTATE OF FRANCOISE P. BEAUDOIN

HEARING:

Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:

GENIE MAE MOCK (PET)...IGNAZIO
FRANCOISE P BEAUDOIN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Report of Sale

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Property to be sold is located at 72376 Sunnyslope Drive, 29 Palms.
APN0618-051-12

2. Sale price of \$175,000. OK
3. Deposit given of \$1000 insufficient per local rules. JTD
4. 6% commission of \$10,500. OK
5. First Overbid would be \$184,250.
6. Administrator will need to post additional bond of \$155,000.

RECOMMENDATION:

None

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01593

CASE NAME: ESTATE OF BERNICE EUDORA BURTON

HEARING:

Hearing Re: PETITION FOR PROBATE/CORRECTION OF NOTES.

COUNSEL:

DOLORES DIANE SAPP (PET)...BRUCE NISHIOKA
BERNICE EUDORA BURTON (DEC)...

GENERAL INFORMATION:

On 7-17-06, court approved petition subject to clearing of notes. When notes were not cleared, then court vacated prior order and re-set the hearing. Subsequently, filed some documents to clear notes.

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **Need to file proof of due publication.**
2. Will waives bond. However, executor lives outside of California and Court could impose bond. The other heir (other than executor) has signed waiver of bond requirement. If court wished to require bond, it should be for the amount of \$130,000.
3. **Petitioner needs to complete box 6a3/4 re: domestic partner and 6a7/8 re: predeceased child.**

RECOMMENDATION:

RFA subject to clearing notes 1 & 3 Court to determine bond issue.

If approved, set hearing for filing of Inventory & Appraisal for 2-12-07. Set hearing for filing of accounting for 11-05-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01597

CASE NAME: ESTATE OF DIANE D. BEST

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

HARRY J BOWKLEY (PET)...IRA N TUCK
DIANE D BEST (DEC)...

GENERAL INFORMATION:

Continued from 7-17-06

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner to note the Request for Special Notice filed by Richard Anderson.
2. Will is not self proving as the witness attestation is insufficient. Please file proof of will.
3. Will waives bond.

RECOMMENDATION:

RFA subject to 2.

If approved, set hearing for filing of Inventory & Appraisal for 2-12-07. Set hearing for filing of accounting for 11-05-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01602

CASE NAME: MATTER OF BETTY LOVING

HEARING:
Petition to determine succession to Real Property

COUNSEL:
VIKI BUYSEE TRU (PET)...ALAN MERLIN REEDY
BETTY F LOVING (DEC)...

GENERAL INFORMATION:
Continued from 7-31-06. No appearance

THIS CASE IS SET FOR HEARING ON Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service on Gregory Means.
Notice of Hearing filed re: "Supplement to Petition to Determine Succession" filed on 8-16-06. File does not contain the Supplement, though.
2. Need to file Will.
3. Need to file that portion of the Trust which indicates that petitioner is the trustee.

RECOMMENDATION:
Need to clear notes.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01612

CASE NAME: ESTATE OF KARL E. WEISS, JR.

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

GEORGE W BUTTERWORTH III (PET)...MARK J MCGOWAN
KARL E WEISS JR (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will (**Ancillary**), with full
authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. Will waives bond. Court may wish to consider imposing bond of \$500,000
on executor as he is a non-resident of the State of California.
3. Proposed Letters have not been submitted.

RECOMMENDATION:

RFA subject to 1 and court's discretion on bond. If approved, set hearing for filing of
Inventory & Appraisal for 2-12-07. Set hearing for filing of accounting for 11-5-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01614

CASE NAME: ESTATE OF JOHANNE BURTA

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

GLORIA CAMPMAN	(PET)...	LAW OFFICES OF KEITH S. KNOCHE
JOHANNE BURTA	(DEC)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. Need to file Notice of Petition to Administer Estate.
3. Will waives bond.
4. Will is not self proving. Please file proof of will.

RECOMMENDATION:

RFA subject to 1-2 and 4. If approved, set hearing for filing of Inventory & Appraisal for 2-12-07. Set hearing for filing of accounting for 11-5-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01615

CASE NAME: ESTATE OF KIRK SALISBURY

HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
MARIAH SALISBURY (PET)...DENNIS B. LIPPITT
KIRK SALISBURY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Administration, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. All heirs waive bond.

RECOMMENDATION:

RFA subject to 1. If approved, set hearing for filing of Inventory & Appraisal for 2-12-07.
Set hearing for filing of accounting for 11-5-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01616

CASE NAME: ESTATE OF MERLE RAYMOND PRUYNE

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

ANTHONY DEFRANCE (PET)...ELIZABETH BAKER
MERLE RAYMOND PRUYNE (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. Will waives bond.

RECOMMENDATION:

RFA subject to 1. If approved, set hearing for filing of Inventory & Appraisal for 2-12-07.
Set hearing for filing of accounting for 11-5-07.

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KENNETH G ZIEBARTH

DATE: 09/11/06 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01618

CASE NAME: MATTER OF CHARLES ANTHONY PAGEL

HEARING:
Petition to determine succession to Real Property

COUNSEL:
TIMOTHY . L PAGEL (PET)...PRO/PER
JOHN WM PAGEL (PET)...PRO/PER
MICHAEL JOSEPH PAGEL (PET)...PRO/PER
ALBERT JOHN PAGEL (PET)...PRO/PER
CHARLES ANTHONY PAGEL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

NONE

RECOMMENDATION:
RFA